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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,384	10/10/2000	Lin He	SP00-291	4601
22928	7590	01/30/2004	EXAMINER	
CORNING INCORPORATED			JOHNSON, EDWARD M	
SP-TI-3-1			ART UNIT	PAPER NUMBER
CORNING, NY 14831			1754	

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,384

Applicant(s)

HE ET AL.

Examiner

Edward M. Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-29 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) 35-41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 and 31-34 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-8, 10-12, 14-16, 18, 20, 22-23, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver US 3,915,896.

Regarding claim 1, Oliver '896 discloses a catalyst for exhaust gas treatment of NOx with NOx and ammonia at the outlet (see abstract and column 10, lines 10-14) comprising chromia or iron oxide support (see column 1, lines 49-53) impregnated with platinum, rhodium, and/or palladium (see claims 12-13 and Example 1).

Regarding claims 3-4, Oliver '896 discloses 0.001-5% (see column 5, lines 11-20).

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Regarding claim 5, Oliver '896 discloses iridium (see column 5, line 16).

Regarding claims 6-8, 10-12, 14-16, 18, 20, 22-23, 25-26, Oliver '896 discloses barium and rare earth metals "can" be present (see column 1, lines 60-64) and the claimed range includes zero.

3. Claims 1 and 3-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Andersen et al. US 6,022,825.

Regarding claim 1, Andersen '825 discloses a NO_x catalyst (see column 1, lines 13-15 and Example 3) comprising a support of iron oxide and/or ceria (see column 4, lines 30-37) impregnated with platinum, palladium, rhodium, or iridium (see column 4, lines 21-29).

Regarding claims 3-4, Andersen '825 discloses 0.72% Pd, and 0.08% Rh (see column 3, lines 59-60).

Regarding claim 5, Andersen '825 discloses 2.2% NiO (see column 8, line 59).

Regarding claims 6-28, Andersen '825 discloses 2-7% lanthanum oxide (see column 2, line 42), barium "may" be present (see column 4, lines 34-37), and all of applicant's claimed ranges include zero.

Allowable Subject Matter

4. Claims 29 and 31-34 are allowed.

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5. The following is a statement of reasons for the indication of allowable subject matter: A catalyst comprising the compound of the formula of the instant claim 29 would not have been obvious to one of ordinary skill in the art at the time the invention was made.

Response to Arguments

6. The previous art rejections have been withdrawn in view of Applicant's amendment. Applicant's arguments with respect to claims 1 and 3-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M. Johnson whose telephone number is 571-272-1352. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman can be reached on 571-272-1358. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0987.

A handwritten signature in dark ink, appearing to be 'EMJ', followed by a horizontal line.

EMJ

January 23, 2004